



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0413

Criminal Law - Controlled Dangerous Substances and Firearms

Bill Summary

This bill (1) establishes reduced penalties for cannabis-related violations of the prohibitions on being a volume dealer under § 5-612 of the Criminal Law Article and a drug kingpin under § 5-613 of the Criminal Law Article; (2) authorizes specified individuals incarcerated for violations of §§ 5-612 and 5-613 to file an application for a modification or reduction of a mandatory minimum sentence; (3) modifies penalties and crime classifications for specified firearms offenses; and (4) authorizes a person at least age 21 to manufacture a personal use amount of cannabis products or concentrated cannabis, as specified. The bill also specifies in statute that with the exception of a violation involving cannabis, a violation of the volume dealer statute is a felony.

Racial Equity Impact Statement

The bill reclassifies specified firearm offenses from misdemeanors to felonies, which includes establishing incarceration penalties for some offenses. The overall impacts of these changes cannot be determined due to the relatively small number of individuals charged, arrested, and convicted of these offenses. Accordingly, the impacts are likely to be minimal to the extent that future conviction rates follow existing trends. The reduced penalties for specified cannabis offenses and the sentence modification provisions of the bill will positively impact those individuals convicted and incarcerated for these offenses, but the number of individuals impacted is relatively small. Accordingly, the overall impacts, while personally beneficial to those affected, would be minimal. It is important to note that despite the small number of individuals affected by the bill, Black individuals are the overwhelming majority of those arrested and/or incarcerated for the aforementioned offenses. Accordingly, those individuals would benefit or, in the case of the bill's increased firearm offense penalties, be negatively impacted to the greatest extent.

Analysis

The bill generally makes changes to penalties for cannabis offenses as well as firearm offenses related to the sale, manufacture, or transfer of firearms. The bill also establishes a process for reducing and/or modifying a previous sentence for specified cannabis offenses. The specific provisions are listed below:

Manufacturing Cannabis Products and Concentrated Cannabis

The bill authorizes a person who is at least age 21 to manufacture a personal use amount of cannabis products or concentrated cannabis for personal use or adult sharing at a private residence if the manufacturing process does not involve the use of a “volatile solvent.” A “volatile solvent” is defined as a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

Alteration of Classification and Penalties – Volume Dealer and Drug Kingpin Offenses

Volume Dealer: The bill establishes that a person who violates the volume dealer statute (§ 5-612 of the Criminal Law Article) by manufacturing, distributing, dispensing, or possessing 50 pounds or more of cannabis (the quantity of cannabis specified under existing statute) is guilty of a misdemeanor and on conviction is subject to a maximum sentence of 10 years imprisonment and/or a \$50,000 fine.

The remaining violations of the volume dealer statute, which apply to other types of controlled dangerous substances (CDS), are subject to the existing penalty of imprisonment for up to 20 years (with a mandatory minimum of sentence of 5 years) and a fine of up to \$100,000. The bill also specifies in statute that a violation of the volume dealer statute for a substance other than cannabis is a felony. (While not specified in statute, the Maryland Sentencing Guidelines Offense Table currently specifies that any violation of § 5-612 is a felony.)

Drug Kingpin: The bill establishes that a person who violates the drug kingpin statute (§ 5-613 of the Criminal Law Article) by conspiring to manufacture, distribute, dispense, transport, or bring into the State 50 pounds or more of cannabis (the quantity of cannabis specified under existing statute) is guilty of a felony and on conviction is subject to a maximum sentence of 20 years imprisonment and/or a \$100,000 fine. The remaining violations of the drug kingpin statute, which apply to other types of CDS, are subject to the existing penalty (felony punishable by imprisonment for up to 40 years (with a mandatory minimum sentence of 20 years) and/or a fine of up to \$1.0 million).

Authorization to Request Sentence Modification or Reduction

A person who is serving a term of confinement that includes a mandatory minimum sentence for a violation of § 5-612 (volume dealer statute) or § 5-613 (drug kingpin statute) of the Criminal Law Article may file an application with the court or sentence review panel by September 30, 2026, for a modification or reduction of the mandatory minimum sentence, as provided in Maryland Rule 4-345, regardless of whether the defendant filed a timely motion for reconsideration or such a motion was denied by the court if:

- the sentence was imposed on or before September 30, 2017, and involved less than 448 grams of cocaine base (under this scenario, only one application may be filed); or
- the sentence was imposed on or before September 30, 2025, and involved cannabis (under this scenario, if the first motion is denied, a second application may be filed no earlier than three years after the denial).

Alterations of Classification and Penalties – Firearm Offenses

The bill modifies the classifications and penalty provisions for various firearm offenses under the Public Safety Article. **Exhibit 1** details the classifications and penalties under current law and under the bill.

Exhibit 1
Firearm Offense Penalties under Current Law and under the Bill

<u>Offense (Public Safety Article)</u>	<u>Penalty Under Current Law</u>	<u>Penalty Under the Bill</u>
<i>Section 5-138 – Sale, transfer, or disposal of stolen regulated firearm</i>	<ul style="list-style-type: none"> ● Misdemeanor ● Imprisonment up to five years and/or \$10,000 maximum fine ● Each violation is considered a separate crime 	<ul style="list-style-type: none"> ● Felony ● Same penalty as current law ● Each violation is considered a separate crime
<i>Section 5-140 – Transporting a regulated firearm for unlawful sale or trafficking</i>	<ul style="list-style-type: none"> ● Misdemeanor ● Imprisonment up to 10 years and/or \$25,000 ● Each violation is considered a separate crime 	<ul style="list-style-type: none"> ● Felony ● Same penalty as current law ● Each violation is considered a separate crime
<i>Section 5-406 – Manufacture or Sale of Handguns: Illegally manufacturing a handgun for distribution or sale</i>	<ul style="list-style-type: none"> ● Misdemeanor ● Fine up to \$10,000 ● Each handgun is a separate violation 	<ul style="list-style-type: none"> ● Felony ● Imprisonment up to five years and/or \$10,000 maximum fine ● Each handgun is a separate violation
<i>Section 5-406 – Manufacture or Sale of Handguns: Illegally selling or offering to sell a handgun</i>	<ul style="list-style-type: none"> ● Misdemeanor ● Fine up to \$2,500 ● Each handgun is a separate violation 	<ul style="list-style-type: none"> ● Felony ● Imprisonment up to five years and/or \$2,500 maximum fine ● Each handgun is a separate violation
<i>Section 5-703 – Serial Number Requirement for Firearms: Purchasing, receiving, selling, offering to sell, or transferring an unfinished frame or receiver without a serial number pursuant to federal law or selling, offering to sell, or transferring a firearm without a serial number</i>	<ul style="list-style-type: none"> ● Misdemeanor ● Imprisonment up to five years and/or \$10,000 maximum fine ● Each violation is a separate crime 	<ul style="list-style-type: none"> ● Felony ● Same penalty as current law ● Each violation is a separate crime

Source: Department of Legislative Services

Cannabis Reform

Adult-Use Cannabis: Pursuant to Chapter 26 of 2022 and the passage of the associated constitutional amendment, a person at least age 21 may use and possess the personal use amount of cannabis. Possession of the personal use amount of cannabis by a person younger than age 21 and possession of the civil use amount of cannabis by anyone are subject to civil penalties. Possession of more than the civil use amount of cannabis by anyone is subject to a criminal penalty.

“Personal use amount” means (1) up to 1.5 ounces of usable cannabis; (2) up to 12 grams of concentrated cannabis; (3) cannabis products containing up to 750 milligrams of delta-9-tetrahydrocannabinol (THC); or (4) up to 2 cannabis plants. “Civil use amount” means (1) more than 1.5 ounces but not more than 2.5 ounces of usable cannabis; (2) more than 12 grams but not more than 20 grams of concentrated cannabis; or (3) cannabis products containing more than 750 milligrams but not more than 1,250 milligrams of delta-9-THC.

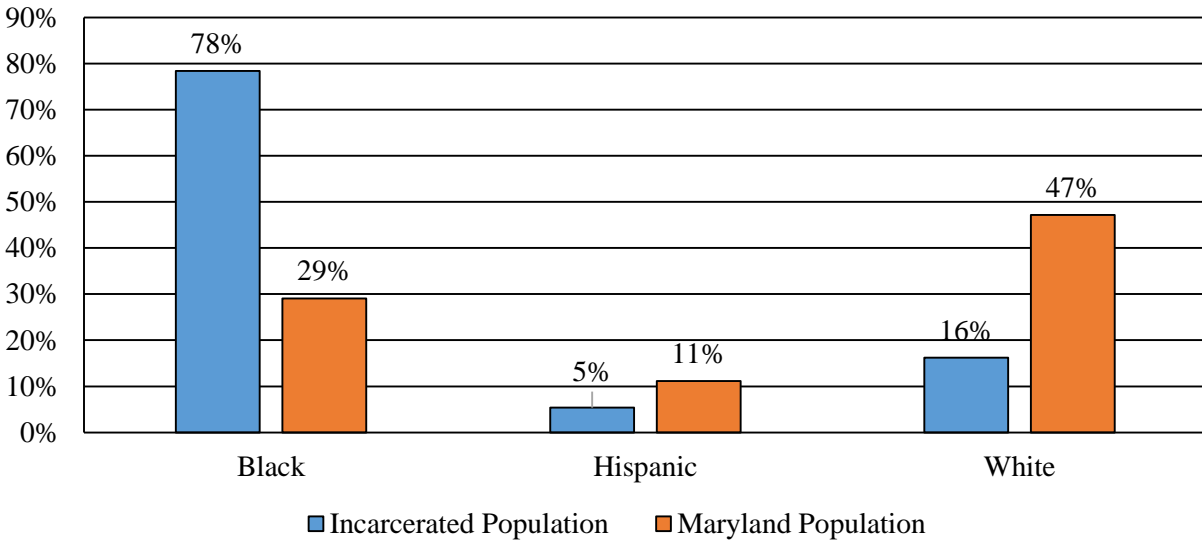
Impacts of the Bill

Drug Kingpin and Volume Dealers

According to the Department of Public Safety and Correctional Services (DPSCS), in 2024 there were 37 individuals serving sentences of incarceration for violating the volume dealer and drug kingpin prohibitions under § 5-612 or § 5-613 of the Criminal Law Article. Of these individuals, 78% are Black, 16% are white, and 5% are Hispanic. Individuals who are Asian, Native American or Alaskan Native, Native Hawaiian or Pacific Islander, or of other or unknown races account for the remaining 1% of the total. **Exhibit 2** shows these percentages in relation to each group’s share of the State’s overall population.

In addition, up to 22 individuals incarcerated under § 5-612 or § 5-613 of the Criminal Law Article before September 30, 2017, may be eligible to apply for sentence modifications under the bill.

Exhibit 2
Maryland Incarcerations for Violations of
Volume Dealer and Drug Kingpin Statutes
2024

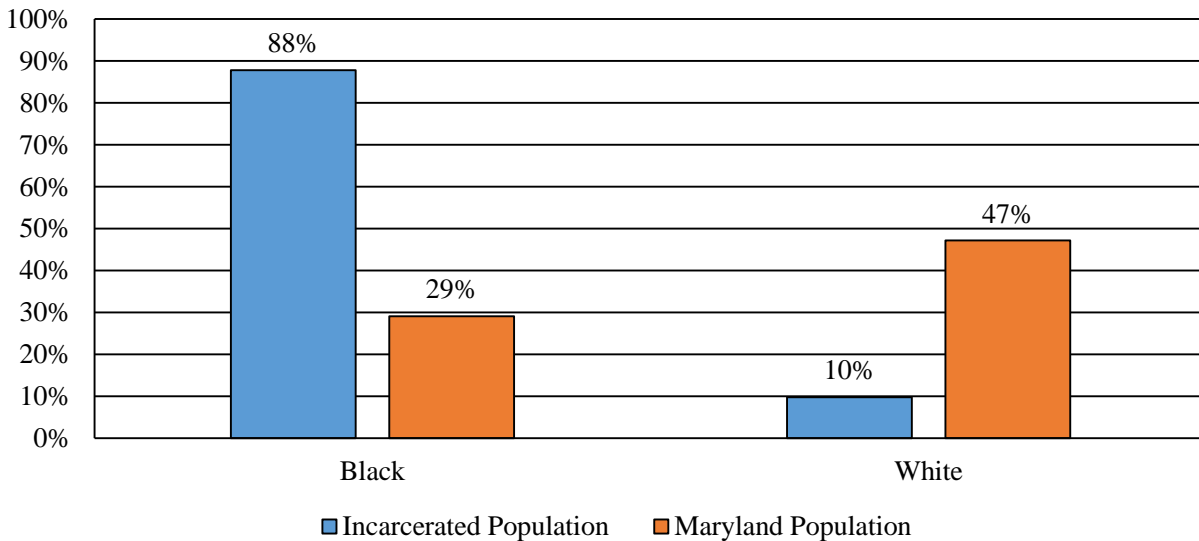


Source: Department of Public Safety and Correctional Services; U.S. Census Bureau; Department of Legislative Services

Firearm Manufacturing Sales and Transfers

DPSCS data for 2024 show 41 individuals incarcerated for violating the prohibition on the sale or transfer of stolen or unregistered firearms under § 5-138 or § 5-703 of the Public Safety Article, which are two of the five firearm offenses modified by the bill. Of these individuals, 88% are Black, 10% are white, and 2% are unknown. **Exhibit 3** shows these percentages in relation to each group's share of the State's overall population.

Exhibit 3
Maryland Incarcerations for Violating the Prohibition
on the Sale or Transfer of Stolen or Unregistered Firearms
2024



Source: Department of Public Safety and Correctional Services; U.S. Census Bureau; Department of Legislative Services

Conclusion

In Maryland and nationally, racial and ethnic disparities exist throughout the criminal justice system. DPSCS and Department of State Police data reveal longstanding racial and ethnic disparities in arrests and incarcerations relevant to the offenses outlined in this bill. However, the number of individuals currently arrested or incarcerated for these offenses is too small to measure specific impacts.

The bill's reduced penalties and sentencing modifications for incarcerated individuals serving a sentence that includes a mandatory minimum for specified offenses under the volume dealer statute (§ 5-612 of the Criminal Law Article) or drug kingpin statute (§ 5-613 of the Criminal Law Article) will benefit Black offenders to the greatest extent as they make up the majority of those arrested and incarcerated for these offenses.

Additionally, the bill changes two specified firearm offenses from misdemeanors to felonies, which will likely increase sentences and incarcerations due to more stringent penalty provisions. However, the small number of convictions and incarcerations for these offenses makes it difficult to assess any impacts beyond the existing racial disparities in sentencing practices.

Generally, individuals convicted of felonies often experience significant collateral consequences as a result, such as losing the right to vote, disqualification from obtaining certain professional licenses, and a prohibition on legal gun ownership. The change from a felony to a misdemeanor for offenses involving certain amounts of cannabis may reduce some of these collateral consequences. The change from a misdemeanor to a felony for the specified firearm offenses in the bill will have the opposite effect.

While the data discussed in this analysis does not explain the actual causes of the overrepresentation of arrested, convicted, and incarcerated Black offenders, it is indicative of systemic inequities observed generally in statewide criminal justice data. Additional reliable data on arrests, charges, convictions, parole violations, and enforcement activities would provide a clearer picture of the specific equity impacts.

Information Sources: Department of Public Safety and Correctional Services; Department of State Police; U.S. Census Bureau; National Incident-Based Reporting System; Department of Legislative Services

Analysis by: Dr. Jasmón Bailey

Published: 03/12/2025

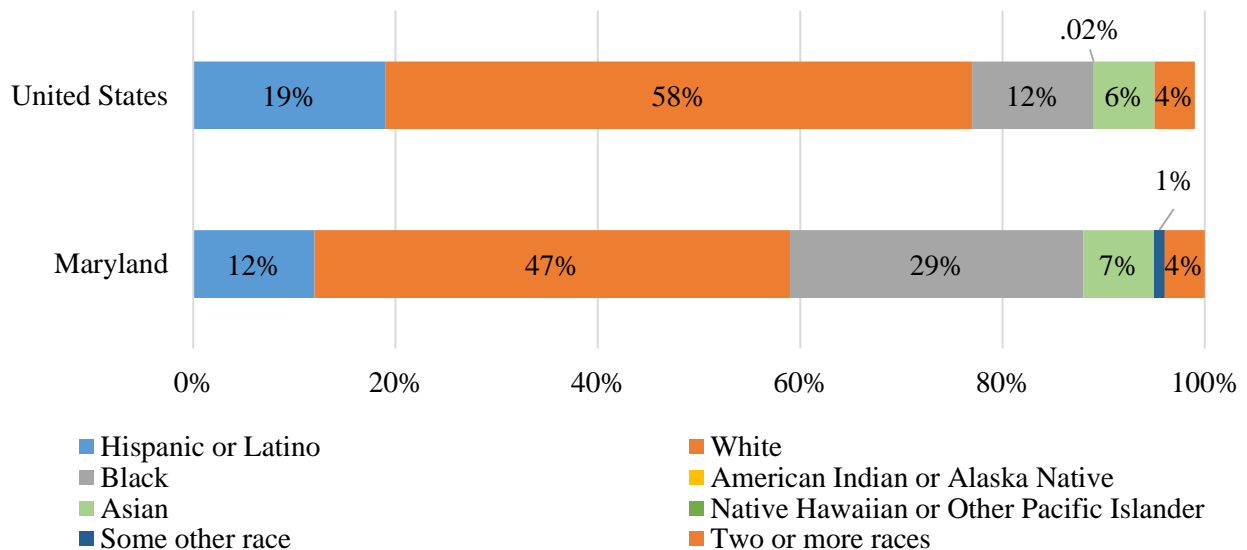
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.